



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 05732-97  
17 December 1999

CDF [REDACTED] USN

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Bureau of Naval Personnel dated 22 September 1997, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted you offered nothing to support your assertion that the statement you now want removed was "erroneously mailed" with the fitness report it addresses. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
1610  
Pers-312/322  
SEP 22 1997

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: CDR [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of her statement to her performance report for the period 1 November 1995 to 8 April 1996, alleging it was submitted in error.

2. Our comments:

a. A review of the member's headquarters record revealed the member's statement with endorsement, and the performance report. The report is not adverse in accordance with reference (a), Annex A, page A-11.

b. The member signed the report indicating she desired to submit a statement to the report. She exercised her right by submitting a statement and it is now a matter of record. Statements found to be relevant and otherwise fit for file are appended to the report and become a part of the official record. Once a statement is made a part of the official record, it is not subject to removal simply because the member now desires that it be removed.

3. We recommend relief not be granted and that the member's statement be retained.

[REDACTED]  
Head, Performance  
Evaluation Branch